



Michael D. "Matt" Matthews, Jr.
Partner
1001 Fannin Street, Suite 2400
Houston, TX 77002
Ph: 713.337.8879 // F: 713.333.8859
matt.matthews@mhllp.com

March 8, 2023

Via CM/ECF

The Honorable Allyne R. Ross
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Mirkin, et al. v. XOOM Energy, LLC, et al.*; No. 18 Civ. 2949 (ARR) (RER)

Dear Judge Ross:

In accordance with the Court's Individual Practices and Rules, Defendants write to notify Plaintiffs and the Court that unredacted copies of the following papers in support of Defendants' Motion for Summary Judgment were served today on Plaintiffs' counsel via electronic mail:

- Notice of Defendants' Motion for Summary Judgment, dated March 8, 2023;
- Memorandum of Law in Support of Defendants' Motion for Summary Judgment, dated March 8, 2023; and
- Declaration of Michael D. Matthews, Jr. in support of Defendants' Motion for Summary Judgment with accompanying exhibits, dated March 8, 2023.

Defendants will file all motion papers when the motion is fully briefed and provide the Court with a courtesy copy. Defendants further respectfully request that the Court set Defendants' Motion for Summary Judgment for oral argument at a date and time convenient for the Court.

Respectfully submitted,

/s/ Michael D. Matthews, Jr.

Michael D. Matthews, Jr.

MCDOWELL HETHERINGTON LLP

1001 Fannin Street, Suite 2400

Houston, Texas 77002

Tel: (713) 337-8879

matt.matthews@mhllp.com

Counsel for Defendants

cc: All counsel of record via CM/ECF